

CRIMINAL NO. 1:09CR13

KENNETH LEE FOSTER

ORDER

Bill of Indictment, filed February 17, 2009. A review of the docket record and the FTR recording reveals the Defendant appeared with former

retained counsel, Timothy D. Smith, for arraignment on February 18, 2009. During the hearing, Defendant's counsel expressly waived a formal reading of the indictment, entered pleas of not guilty to each of the charges contained therein, and requested a jury trial. Therefore, Defendant's contention that he was not arraigned is without merit.

IT IS, THEREFORE, ORDERED that Defendant's motion to dismiss the bill of indictment is **DENIED**.

Signed: July 10, 2009



Lacy H. Thornburg
United States District Judge

